



AP 3420 Equal Employment Opportunity

References: Education Code Section 87100 et seq.;
Government Code Sections 7400 et seq. and 12940 et seq.;
Title 5 Sections 53000 et seq. and Sections 59300 et seq.;
ACCJC Standard 3

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The Butte-Glenn Community College District Equal Employment Opportunity EEO Plan is a district-wide, written plan that implements the District's EEO program, includes the definitions contained in Title 5 Section 53001, and complies with all legal requirements as listed in Title 5. The District's EEO plan is developed from the Model EEO plan guidance provided by the California Community College Chancellor's Office with local processes and priorities incorporated. The EEO Plan addresses the following:

- Developed in collaboration with the District's Equal Employment Opportunity Advisory Committee;
- Reviewed and adopted at a regular meeting of the Board of Trustees where it is agendaized as a separate action item and not part of the consent agenda;
- Covers a period of three years, after which a new plan will be adopted; and
- Be submitted to the California Community Colleges Chancellor's Office at least 90 days prior to its adoption. Comments received from the California Community College's Chancellor's Office on the proposed plan were presented to the Board of Trustees prior to adoption.

The EEO Plan includes all of the following:

- Specific pre-hiring, hiring, and post-hiring EEO strategies the District intends to implement each year over the life of the plan;
- A schedule identifying the timetables for implementation of the identified EEO strategies;
- Identification of the District EEO officer with delegated responsibility and authority for implementing the EEO Plan and assuring compliance with the Title 5 regulations;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that individuals directly participating in the screening or selection process receive, prior to their participation, training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws, the

educational benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices in serving on a screening or selection committee;

- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations identifying qualified, diverse pools of applicants for openings within the District;
- A process for gathering information and periodic, longitudinal analysis of the District's employees and applicants, broken down by number of persons from monitored groups, as defined by Title 5 Section 53001, in each job category to determine whether additional diversification measures are required and to implement and evaluate the effectiveness of those measures. The District will conduct a data review as part of its plan renewal, and may conduct periodic data reviews more frequently; and
- A process for utilizing data available from reliable public and private sources to determine whether monitored groups are underrepresented within District job categories and strategies for addressing any underrepresentation.

The District posts a copy of the EEO plan on the District's website, and the District makes a continuous good faith effort to comply with the requirements of the EEO plan.

Annual Evaluation

An annual survey is completed by the Human Resources/EEO Department on its employees and applicants for employment to evaluate progress in implementing the EEO plan and to provide data needed for required analysis.

- The District collects and continually monitors its employee and applicant demographic data to evaluate the implementation of the EEO plan and to conduct the analyses required by Title 5.
- The District's annual report on employment related data is submitted to the Chancellor's Office of the California Community Colleges in a manner prescribed by the Chancellor. The report identifies each employee as belonging to one of the following seven job categories:
 1. Executive/Administrative/Managerial;
 2. Faculty and Other Instructional Staff;
 3. Professional Non-Faculty;
 4. Secretarial/Clerical
 5. Technical and Paraprofessional;
 6. Skilled Crafts;
 7. Service and Maintenance.

The opportunity is afforded for each employee to identify their gender (including non-binary options), ethnic group identification and, if applicable, disability as prescribed by the California Community Colleges Chancellor's Office consistent with state and federal law.

EEO Advisory Committee

The District has established an EEO Advisory Committee as the advisory body to the District in accordance with the District's EEO Plan, as outlined in the EEOAC Charter and Bylaws, and includes representation from each of the participatory governance constituent groups.

Members of the advisory committee as well as members of the District Board of Trustees received training in all the following (EEO Plan):

- The requirements of EEO regulations (Title 5, Section 53000 et seq.) state and federal nondiscrimination laws;
- Identification and elimination of bias in hiring;
- The educational benefits of workforce diversity; and
- The role of the advisory committee in consulting on the development and revision of the District's EEO plan.

The responsibilities of the EEO Advisory Committee will include but not be limited to the following:

- Review and advise on recruitment efforts, job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
- Advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;
- Promote communication with community groups and organizations for people with disabilities;
- Promote hiring of faculty who have, themselves, graduated from a community college;
- Develop communications among departments to foster understandings of the EEO plan;
- Advise the Superintendent/President regarding special training or staff development needs;
- Review the EEO plan and recommend potential revisions; and
- Review and provide recommendations on the annual written report to the Superintendent/President, the Board of Trustees, and the Chancellor's Office for the California Community Colleges.

The EEOAC is an advisory body. Formal approval of the EEO Plan rests with the Board of Trustees. The Board delegates to the Superintendent/President the authority and responsibility to implement Board Policy 3420 Equal Employment Opportunity through this administrative procedure, including the development, revision, and execution of the District's EEO Plan. The Superintendent/President designates the EEO officer to carry out the day-to-day administration of the EEO Program, including coordinating the EEOAC.

Employment Procedures

The District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success and committed to a diverse, equitable, inclusive, and anti-racism campus culture. The Board recognizes that diversity, equity, inclusion, and anti-racism in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students and employees. The Board is strongly committed to hiring and staff development processes that support the goals of inclusion,

diversity, equity, and anti-racism in the District's student success plan and student diversity plan, as well as the District's equal opportunity policies, provide equal consideration for all qualified candidates, and create an anti-racist academic and employment environment.

Job Analysis and Validation

The Vice President for Human Resources, Training, and Employee Development or designee will assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities, and characteristics an employee must possess to perform the job satisfactorily. A statement of bona fide essential functions and minimum qualifications will be developed for all positions.

Job Description

Every job description will provide a general statement of job duties and responsibilities. Job specifications will include functions and tasks; knowledge; skills; ability; and job-related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

Recruitment

Recruitment must be conducted actively within and outside of the District work force.

Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving short term or substitute hires.

Recruitment must utilize outreach strategies designed to ensure that all qualified individuals, from all monitored groups, are provided the opportunity to seek employment with the District.

Recruitment for administrative, management, and faculty positions (full- and part-time) may include advertisement in appropriate professional journals, job registries, and newspapers of general circulation; distribution of job announcements to the EEO Registry, two- and four-year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations.

Recruitment for classified positions will include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.

Applicant Pools

The application for employment will afford each applicant an opportunity to identify themselves voluntarily as to gender, ethnicity and, if applicable, their disability. This information will be maintained in confidence and will be used only for research, validation, monitoring, evaluation of the effectiveness of the EEO plan, or as authorized by law.

After the application deadline has passed, the initial applicant pool will be recorded and reviewed by the Vice President for Human Resources (or designee). All initial applications will be screened to determine which candidates satisfy job specifications set forth in the job

announcement. The group of candidates who meet the job specifications will constitute the “qualified applicant pool.”

Once the qualified pool is formed, the pool must again be analyzed. If the Vice President for Human Resources, Training, and Employee Development (or designee) finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District may immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

Screening and Selection

Screening, selecting, and interviewing candidates for all positions will include thorough and fair procedures that are sensitive to issues of diversity. Procedures to be used must address or include that:

- Hiring procedures will be provided to the California Community Colleges Chancellor’s Office upon request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the District community and campus; include administrators, faculty and classified staff; include a diverse membership when possible; do not include applicants or persons who have written letters of recommendation.
- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The Vice President for Human Resources, Training, and Employee Development assures that the screening and selection process conforms to accepted principles and practices, including preparation of job related questions in advance; maintains records of screening checklists and rating scales, which will be signed and kept on file; maintains notes for all interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.
- Selection will be based solely on the stated job criteria.
- For faculty and administrative positions, candidates will be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District will take the following additional steps:

- Review its recruitment procedures;
- Consult with counsel to determine whether there are other, additional measures that may be undertaken that are required and/or permitted by law;
- Consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible;

If significant underrepresentation persists:

- Monitor on an ongoing basis;

- Review each locally-established job qualification to determine if it is job related and consistent with business necessity;
- Discontinue the use of any non-job-related local qualification; and
- Continue using job-related local qualifications only if no alternative standard is reasonably available; and
- Consider the implementation of additional measures designed to promote diversity.

Delegation of Authority

It is the goal of the District that all employees promote and support equal employment opportunity because equal employment opportunity requires a commitment and a contribution from every segment of the District. The general responsibilities for the prompt and effective implementation of this EEO plan are set forth below.

- **Governing Board:** The Governing Board is ultimately responsible for proper implementation of the District's EEO plan at all levels of District and College operation, and for ensuring equal employment opportunity as described in the EEO plan.
- **Chief Executive officer:** The Governing Board delegates to the Chief Executive officer, the Superintendent/President of the District, the responsibility for the development and ongoing implementation of the EEO plan and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The Chief Executive officer will advise the Governing Board concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on EEO plan implementation. The Chief Executive officer will assume (or delegate) responsibility for receiving complaints described in EEO plan Section VII if the Vice President for Human Resources, Training, and Employee Development is named in the complaint. The Chief Executive officer will evaluate the performance of all administrative staff who report directly to them on their ability to follow and implement the EEO plan.
- **Equal Employment Opportunity Officer:** The Equal Employment Opportunity officer is responsible for drafting the EEO Plan; overseeing EEO data collection, analysis, and reporting; coordinating EEO-related training and the work of the EEOAC; administering, implementing, and monitoring the EEO plan; and assuring compliance with the requirements of Title 5, Sections 53000 et seq. The Equal Employment Opportunity officer is also responsible for receiving complaints described in EEO plan Section VII and for ensuring that applicant pools and selection procedures are properly monitored.
- **Equal Employment Opportunity Advisory Committee:** The District will establish an Equal Employment Opportunity Advisory Committee to act as an advisory body to the Equal Employment Opportunity officer and the District as a whole to promote understanding and support of equal employment opportunity policies and procedures. The Equal Employment Opportunity Advisory Committee will assist in the implementation of the EEO Plan in conformance with state and federal regulations and guidelines, assist in monitoring equal employment opportunity progress, and provide suggestions for EEO Plan revisions as appropriate.
- **Agents of the District:** Any organization or individual, whether or not an employee of the District, who acts on behalf of the governing board with regard to the recruitment and screening of personnel, is an agent of the district and is subject to all the requirements of the EEO Plan.

- Good Faith Effort: The District will make a continuous good faith effort to comply with all the requirements of the EEO Plan.

Complaint Procedure

Any person may file a complaint alleging the District violated this policy and procedure. An individual should file a written complaint with the Vice President for Human Resources, Training, and Employee Development or designee. The District will process complaints that allege unlawful discrimination according to the procedures set forth in AP 3430 Prohibition of Harassment and AP 3435 Discrimination and Harassment Complaints and Investigations.

Job Announcements

All job announcements will contain a statement in substantially the following form:

- The District is an equal opportunity employer;
- The policy of the District is to encourage applications from persons who are economically disadvantaged and individuals belonging to significantly underrepresented groups within the District's workforce, including ethnic and racial minorities, women, and persons with disabilities.
- No person will be denied employment because of ethnicity or race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, veteran or military status, or political or organization affiliation.

If the District includes a statement in a job advertisement, position, application, or other material that an applicant must have a driver's license; that following conditions will be satisfied:

- The District reasonably expects driving to be one of the job functions for the position, and
- The District reasonably believes that satisfying the job function using an alternative form of transportation would not be comparable in travel time or cost to the District.

Dissemination and Revision of the EEO Plan

The following good practice will be implemented:

- All managers and supervisors will be given copies of the EEO plan as revised from time to time and any guidelines for implementing the EEO plan. Copies of the EEO plan will be provided to the Senate and Collective Bargaining Unit leaders. In addition, a copy of the EEO plan will be posted on the District website.
- Statements of nondiscrimination will be posted at locations where applications for employment are available.
- Such EEO plans will be reviewed at least every three (3) years and, if necessary, revised and submitted to the California Community Colleges Chancellor's Office within 90 days of the effective date of the revision or amendment(s). If the chancellor determines that a District's policies are not in compliance with 59300 et al., the California Community Colleges Chancellor's Office may require the District to modify its policies.

Accountability and Corrective Action

The district will certify annually to the Chancellor of the California Community Colleges that they have timely:

- Recorded, reviewed, and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the district's EEO Plan; and
- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with Section 59300) of Chapter 10 of this division.